



FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL

# Memorandum

**TO:** Director, Reference Information Center  
Chief, Wireline Competition Bureau

**FROM:** *DMA*  
Daniel M. Armstrong  
Associate General Counsel

**SUBJECT:** *SBC Communications Inc. v. FCC & USA*, No. 04-1330; *Verizon Telephone Companies, et al. v. FCC & USA*, No. 04-1331; and *BellSouth Corporation v. FCC & USA*, No. 04-1332. Filing of three Petitions for Review in the United States Court of Appeals for the District of Columbia Circuit.

**DATE:** October 6, 2004

This is to advise you that, on September 28, 2004, SBC Communications Inc., the Verizon Telephone Companies and BellSouth Corporation filed three separate Petitions for Review in the U.S. Court of Appeals for the D.C. Circuit, pursuant to 47 U.S.C. 402(a), of the following order: *1993 Annual Access Tariff Filings*, CC Docket No. 93-193; *1994 Annual Access Tariff Filings*, CC Docket No. 94-65, Order, FCC 04-151 (rel. July 30, 2004).

The FCC in the order on review found unlawful the 1993 and 1994 access tariffs of LECs that had implemented a sharing adjustment in their previous year's price cap indices but had not applied add-back the following year in computing their PCIs.

The Court has docketed these cases as Nos. 04-1330, 04-1331 and 04-1332 and consolidated them. The attorney assigned to handle the litigation of these cases is Laurel R. Bergold.